

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL DESHLER and LUPE DESHLER,

Plaintiff,

vs.

VAL HARRIS, ANNETTE HARRIS and
DOUGLAS HARRIS,

Defendants.

Case No. 2:15-cv-00507-GMN-GWF

ORDER

This matter is before the Court on Defendants' Emergency Motion to Compel Independent Medical Examination of Plaintiff Paul Deshler (#19), filed on March 31, 2016. Defendants' motion shows that Defendants requested in writing on March 7, 2016 that Plaintiff submit for an examination by Defendants' selected physicians in Las Vegas, Nevada on May 16-17, 2016. Plaintiff's counsel responded by email on March 16, 2016 refusing to have his client submit to the examinations. Although Defendants' counsel states that the refusal was based on the alleged pro-defense bias of the Defendants' selected physicians, Plaintiff's counsel also cited Plaintiff's physical/medical condition and his alleged inability to travel. Defendants filed the instant motion without any apparent further effort to meet and confer with Plaintiff in an attempt to resolve the dispute.

The meet and confer requirements in Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule ("LR") 26-7(b) require the moving party to confer or attempt to confer in person, or at least by telephone, with the opposing party in a good faith effort to resolve the discovery dispute prior to filing a motion to compel. *Shuffle Master v. Progressive Games*, 170 F.R.D. 166, 171 (D.Nev. 1996); *Walker v. North Las Vegas Police Depart.*, 2016 WL 427063, *2 (D.Nev. Feb. 3,

1 2016). Because Defendants' motion fails to show that they complied with these requirements prior
2 to filing the motion,

3 **IT IS HEREBY ORDERED** that Defendants' Emergency Motion to Compel Independent
4 Medical Examination of Plaintiff Paul Deshler (#19) is **denied**, without prejudice.

5 DATED this 1st day of April, 2016.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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